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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

WAYNE VINSON,

Plaintiff,

v.

C. MAIORANA,

Defendant.

* CIVIL ACTION NO. 2:13-cv-1534

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* JUDGE MINALDI

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* MAGISTRATE JUDGE KAY

MEMORANDUM RULING

Before the court is the Report and Recommendation [Doc. 13] of the Magistrate Judge, to which the petitioner has filed Objections [Doc. 14]. For the following reasons, the Report and Recommendation [Doc. 13] is **AFFIRMED**, as amended herein.


The court herein adopts the background as well as the law and analysis of the report and recommendation.¹ The issues in a magistrate judge's report and recommendation are reviewed *de novo* by the district court. *Saqui v. Pride Cent. America, LLC*, 595 F.3d 206, 211 (5th Cir. 2010). Where the merits of the claim are not reached, and the petition is dismissed for lack of jurisdiction, the petition should be dismissed with prejudice regarding the jurisdictional issue only. *Pack v. Yusuff*, 218 F.3d 448, 454 (5th Cir. 2000). All other issues should be dismissed without prejudice. *Id.* Therefore, only the jurisdictional issue in Vinson's petition should be dismissed with prejudice, and all other issues should be dismissed without prejudice. Accordingly,

IT IS ORDERED that the petition for writ of *habeas corpus* [Doc. 1], as amended by the subsequent petitions for writ of *habeas corpus* [Docs. 5, 8, 10 & 12], be and hereby is **DISMISSED, WITH PREJUDICE**, as to the jurisdiction issue only.

¹ See Report and Recommendation [Doc. 13], at 1-4.

IT IS FURTHER ORDERED that all other issues arising under the petition for writ of *habeas corpus* [Doc. 1], as amended by the subsequent petitions for writ of *habeas corpus* [Docs. 5, 8, 10 & 12], be and hereby are **DISMISSED, WITHOUT PREJUDICE.**

Lake Charles, Louisiana, this 20 day of October, 2014.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE